

**Request for Reconsideration:**

Claims 1-66 were pending in this application. By this amendment, Claims 1-12 and 23-33 remain pending in this application. Applicants are amending claim 1 to more clearly describe the claimed invention. Applicant introduces no new matter by these amendments, and these amendments are fully supported by the specification, as filed. The Examiner previously withdrew claims 13-22 and 34-66, which are directed to unelected groups, from consideration, and Applicants now are canceling claims 13-22 and 34-66, without prejudice. Applicants respectfully request that the Examiner enter these amendments and reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

**Remarks:**

1. Rejections.

Claims 1-3, 5-8, and 12 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by Published Patent Application No. US 2005/0192604 A1 to Carson et al. (“Carson”). Claims 4 and 9 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Carson in view of PCT Publication No. WO 00/24339 to Berreklouw. Claim 10 stands rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Carson in view of Patent No. U.S. 6,814,750 B2 to Kavteladze et al. (“Kavteladze”), claim 11 stands rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Carson in view of Patent No. U.S. 6,554,848 B2 to Boylan et al. (“Boylan”). Claims 23-33 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Published Application No. US 2002/0161383 A1 to Akin et al. (“Akin”). Claim 28 stands rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Akin in view of Carson. The Office Action has made these rejection **final**. Applicants respectfully traverse.

2. Anticipation Rejections

As noted above, claims 1-3, 5-8, and 12 stand rejected as allegedly being anticipated by Carson. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . ‘The identical invention must be shown in as complete detail as is contained in the . . . claim.’” MPEP 2131 (citations omitted). In particular, the Office Action asserts that Carson shows each and every element of independent claim 1. Applicants respectfully traverse.

a. Claim 1

The Office Action contends that **Fig. 3C** of Carson shows a conduit 18 with a “thickened, widened portion.” In particular, the Office Action asserts that this thickened, widened portion describes a channel including a first end having a substantially circular cross-section, and a second end having a substantially circular cross-section. To overcome the outstanding rejections, Applicants are amending claim 1 to describe “a channel extending from a first end to a second end along a second direction substantially perpendicular to the first direction, said first end having a substantially elliptical cross-section in the first direction

connected to said saddle and said second end having a substantially circular cross-section in the first direction.”

Carson’s **Fig. 3C**, the figure cited by the Office Action, shows that cross-section of body 18 is circular, or at the very least, uniform, along the longitudinal axis of the conduit 18, which extends at a substantially oblique angle relative to securing component 16. Moreover, conduit body 18 appears to maintain a substantially circular cross-section at the first end adjacent to second securing component 16. Conduit body 18 appears to approximate the circular cross-section of extension 32, so that locking structure 34 engages locking structure 38 to connect second securing component 16 to first securing component 14. See Carson, Figs. 3A-3B. If conduit body 18 extended along an axis substantially perpendicular to a longitudinal axis of securing component 16, the cross-section of conduit 18 would be substantially circular from a second end to a first end at securing component 16. See, e.g., Carson, Para. [0076]; Fig. 6(a). Thus, Carson fails to disclose each and every feature of independent claim 1, as amended. Accordingly, Applicants maintain that amended claim 1 is distinguishable over Carson and respectfully request that the Examiner withdraw the anticipation rejection of claim 1.

b. Claims 2, 3, 5-8, and 12

Claims 2, 3, 5-8, and 12 depend, either directly or indirectly, from claim 1. Consequently, these dependent claims incorporate all the elements recited by independent claim 1. Thus, if Carson fails to disclose all of the elements of claim 1, Carson also must fail to disclose all of the elements of the dependent claims. Therefore, Applicants maintain that claims 2, 3, 5-8, and 12 are distinguishable over Carson and respectfully request that the Examiner withdraw the anticipation rejections of claims 2, 3, 5-8, and 12, if the Examiner withdraws the anticipation rejection to amended claim 1, for the reasons noted above.

3. Obviousness Rejections

In order to establish a prima facie case for obviousness, the Office Action must fulfill three (3) criteria. First, there must be some reason apparent, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as proposed by the Office Action. Second, there must be a reasonable

expectation of success. Third, the cited references must disclose or suggest all of the claim limitations. MPEP 2143. Applicants maintain that the Office Action fails to establish a prima facie case of obviousness with respect to claims 4, 9-11, and 23-33, for at least the following reasons.

a. Claims 4, 9-11

Claims 4 and 9, which depend from claim 1, stand rejected as allegedly being rendered obvious by Carson in view of Berreklouw. Claims 10 and 11, which also depend from claim 1, stand rejected as allegedly being rendered obvious by Carson in view of either Kavteladze or Boylan. As noted above, however, Carson fails to disclose at a “a channel extending from a first end to a second end along a second direction substantially perpendicular to the first direction, said first end having a substantially elliptical cross-section in the first direction connected to said saddle and said second end having a substantially circular cross-section in the first direction.” Further, the references relied upon by the Office Action fail to overcome the aforementioned deficiencies of Carson. Accordingly, the Office Action fails to establish a prima facie case of obviousness because the proposed combinations of references fail to disclose or suggest each and every limitation of claims 4 and 9-11. Thus, Applicants respectfully request that the Examiner withdraw the obviousness rejections of dependent claims 4 and 9-11.

b. Claim 23

Claim 23 stands rejected as allegedly being rendered obvious by Akin. The Office Action again contends that the embodiment shown in **Figs. 9 and 10** of Akin suggests all the elements of claim 23, except a clamping ring to connect the two flanges, and that the collar 122 shown in **Fig. 11** of Akin cures this deficiency. See Office Action, Page 6, Lines 13-19. Applicants respectfully disagree.

Collar 122 of Akin does not join channel portions 98, 102 together. Rather, Akin discloses that pieces 92, 94 “are operatively coupled to each other . . . in the same or similar manner as the device of **FIG. 10**.” Akin, Para. [0096]. Akin further describes the device of **Fig. 10** with “first channel portion 80 has an inside diameter substantially the same as the outer diameter of second channel portion 84, such that a fluid-tight flow channel is created when a

second channel portion 84 is inserted . . . within the lumen of first channel portion.” See Akin, Para. [0095]. Thus, the channels of Akin form a fluid-tight seal without using flanges.

In addition, Akin does not disclose or suggest “a clamping ring for securing said first flange and said second flange together.” Instead, “[c]ollar 122 is positioned around the outside of the flow channel and has a thickness such that its end surfaces 124 are in sealing engagement with the outside walls of the interconnected vessels.” See Akin, Para. [0097]. As a result, collar 122 acts as an external, static counter force to the internal force created by the spring action of segment 94, thereby securing vessel 126 atraumatically therebetween. Id. Thus, Akin fails to disclose or suggest a clamping ring connecting the first and second flanges of the respective first and second couplers.

The Office Action fails to demonstrate a prima facie obviousness because Akin fails to disclose or suggest a first and second flange on first and second channels or a clamping ring used to secure the first and second flange together. Accordingly, Applicants maintain that claim 23 is distinguishable over Akin, and Applicants respectfully request that the Examiner withdraw the obviousness rejection of claim 23.

c. Claims 24-33

Claims 24-33 depend, either directly or indirectly, from allowable, independent claim 23. MPEP 2143.03 states that “[i]f an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejections of claims 24-33, because claim 23 is allowable, for the reasons noted above.

**Conclusion:**

Applicants maintain that the claims of the above-captioned patent application, as amended, are in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicants’ representative, we would welcome the opportunity to do so.

Applicants believe that no fees are due as a result of the submission of this Responsive Amendment. Nevertheless, in the event of any variance between the fees determined

by Applicants and the fees determined by the PTO, please charge or credit any such variance to the undersigned's **Deposit Account No. 02-0375**.

Respectfully submitted,  
**BAKER BOTTS, L.L.P.**

Date: **February 19, 2008**

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